

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	WC Docket No. 13-97
Numbering Policies for Modern Communications)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Telephone Number Requirements for IP-Enabled Services Providers)	WC Docket No. 07-243
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Connect America Fund)	WC Docket No. 10-90
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition of Vonage Holdings Corp. for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources)	
)	
Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission's Rules)	

**COMMENTS OF
TELECOMMUNICATION SYSTEMS, INC.**

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SUMMARY

TeleCommunication Systems, Inc. (TCS) submits its Comments in response to the Notice of Proposed Rulemaking, Order and Notice of Inquiry (“Notice”) released by the Federal Communications Commission (“Commission” or “FCC”) in the above-referenced proceeding.

In the Order portion of the Notice, the Commission, acting on TCS’ 2007 Petition for Waiver, granted TCS a limited waiver of § 52(g)(2)(i) of its rules so that the company might obtain p-ANI codes from the RNA in South Carolina and other states where it could not obtain certification. This waiver is very helpful and will temporarily aid in addressing TCS’ ongoing concern that it have sufficient access to p-ANIs so it can route emergency calls to any public safety answering point (“PSAP”) in the United States. However, the record is clear that the Commission should generally modify § 52.15(g)(2)(i) of its rules to allow all existing VoIP Positioning Center (“VPC”) providers to have direct access to p-ANI codes for the purpose of providing 911 and E911 service. There is no support for the requirement of first obtaining CLEC certifications before VPC providers gain access to p-ANIs.

Likewise, as suggested in the TCS Petition, a “national authorization” should be provided to VPC providers from the FCC. There is no need to require VPC providers to obtain certification on a state-by-state basis. This method is inefficient and can serve only to delay the deployment of E911 and place unnecessary burdens on interconnected VoIP service providers.

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Overview

TCS adopts and incorporates herein its concerns detailed in its 2012 filing to refresh the record in this docket.² Since deploying the first U.S. wireless E911 solution in 1996, TeleCommunication Systems, Inc. has been a leading provider of public safety solutions for wireless E911, NG911, and 1-1-2.³ Today, TCS supports approximately 50 percent of all U.S. wireless E911 calls. Its industry award-winning wireless and VoIP E911 products, together with wireline E911 solutions, serve over 140 million wireless and IP-enabled devices. With the nation’s only non-carrier TL 9000-certified wireless and VoIP E911 Network Operations Center,

¹ Notice Of Proposed Rulemaking, Order And Notice Of Inquiry: *In the Matter of Numbering Policies for Modern Communications* WC Docket No. 13-97; *IP-Enabled Services*, WC Docket No. 04-36; *Telephone Number Requirements for IP-Enabled Services Providers*, WC Docket No. 07-24; *Telephone Number Portability*, CC Docket No. 95-116; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Connect America Fund*, WC Docket No. 10-90; *Numbering Resource Optimization*, CC Docket No. 99-200; *Petition of Vonage Holdings Corp. for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources*; and *Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission’s Rules* (“Notice”). TCS incorporates by reference its filings in this matter.

² See TCS May 18, 2012 *Ex Parte* Letter

³ “E911” is Enhanced 911 and “NG911” is Next Generation 911. NG911 typically is understood to include text-to-911 and video-to-911. “1-1-2” is the universal emergency number used in the European Union.

TCS' highly reliable E911 solutions ensure that a subscriber's emergency call routes to the appropriate PSAP and automatically pinpoints the caller's location information.⁴

TCS is one of two major providers of NENA i2 based VoIP Positioning Center (VPC) services to interconnected VoIP service providers and MSOs. TCS has been providing call routing, address to Master Street Address Guide (MSAG) and ALI data delivery services to Public Safety since 1998. Services for VoIP service providers have been provided since 2005 without the requirement of state certification. Routing numbers, or p-ANIs, are essential to continue the service for TCS' customers. TCS has provided call routing, location determination, and ALI data delivery services for Wireless Carriers in compliance with FCC regulations since March 1998, and call routing, address verification/MSAG transformation, and ALI data delivery services for VoIP Service Providers in compliance with FCC regulations since 2005.

It was because of the essential nature of p-ANIs that in February 2007 TCS, faced with the loss of access to p-ANIs and after consultation with the Wireline Competition Bureau, filed its Petition in the instant proceeding requesting that the Commission waive Part 52 of its rules and hold that that the company, as a VPC certificated in at least one state, was deemed to be an eligible user of p-ANI resources in all other states and might continue to receive numbering resources without having to demonstrate that it was certificated in all fifty states.⁵

Subsequently in 2008, the Commission asserted jurisdiction over the rates, terms and conditions under which VPCs, such as TCS, offer access to 911 and E911 capabilities (including p-ANIs) to interconnected VoIP service providers.⁶ However, in so doing, the Commission never dealt with the problem of how to ensure that TCS and other VPCs have access to the p-

⁴ TCS is subject to Commission regulation as a VPC. *See* Report and Order, In the Matter of Implementation of the NET 911 Improvement Act of 2008, 23 FCC Rd 15884, ¶28 [NET 911 Order].

⁵ *See* Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for Waiver of Part 52 of the Commission Rules, CC Docket No. 99-200 (filed Feb. 20, 2007) ("TCS Petition").

⁶ NET 911 Order at ¶ 28.

ANIs which the Commission recognized as being essential. Consequently, as the Commission discussed in the Order in this proceeding, the inconsistent federal and state regulatory landscape has led to TCS having had a mixed experience in securing p-ANI for its operations in support of public safety since in 2007.⁷ TCS⁸ is currently certified as a CLEC in 40 states; however, in Utah, Illinois, and Maine, the certification is for “p-ANI only”, and the Ohio Public Utilities Commission created a special certification just for 911 providers. Two states, Iowa and New Hampshire, rendered opinions that 911 companies such as TCS do not qualify for CLEC certification under their state statutes.

TCS has operated with the highest level of compliance with the current regulatory scheme, even though the process of imposing a centralized authority on p-ANI management required it to release its assigned pool of useable p-ANI without notice and comment. While TCS supports the Commission action granting its Petition for Waiver on a limited basis, the company submits that the continuing requirement that it must first try and then fail to obtain state certification before it can obtain a waiver is counterproductive and urges the Commission to grant its petition on a permanent basis without limitation.

A. The FCC should grant TCS’ Petition on a permanent basis.

Based on record, TCS’ Petition should be granted on a permanent basis without the requirement that it first seek state certifications. At this late date, requiring that VPCs obtain state certifications serves no purpose. It is burdensome and costly for VPCs to obtain state certifications. The typical state process does not focus on issues of relevance with regard to whether an entity should be eligible to provide VPC service. CLEC state certification

⁷ Notice at ¶ 111.

⁸ TCS is the parent company of NextGen Communications, Inc., a wholly owned subsidiary, which is the named CLEC in all jurisdictions except, California, Texas, Minnesota, Tennessee, Florida and Washington State. Per Virginia state law, NextGen Communications, Inc. of Virginia, a Virginia corporation, is the certificated entity in that state.

procedures, while perhaps appropriate for offering retail voice services for the PSTN and to protect retail consumers, are simply not designed to determine the suitability of a VPC that typically does not provide retail service and over whom the state commissions have little or no jurisdiction. Instead, state CLEC certification processes often require the filing and approval of retail and wholesale tariffs—neither of which are necessarily appropriate for VPCs. Moreover, overworked state commissions, whose current focus tend to be on energy matters, have no particular expertise with regard to determining NG911 experience, reliability, or any of the other concerns which are pertinent to VPCs. As a result, it makes little sense to require TCS to go through the time and expense of seeking CLEC certification, filing meaningless tariffs, and then be rejected by a state commission before the FCC grants TCS access to p-ANIs in a particular state. This is particularly the case since TCS is a public company which has provided nationwide VPC service for years. Instead, the Commission should grant TCS a permanent waiver so as to avoid potential threats to public safety in those areas where TCS either cannot obtain certification or is still in the process of so doing.

Furthermore, failure to grant TCS's Petition would run counter to the public interest because it would make it more difficult for TCS to provide the E911 capabilities which FCC regulations require TCS to provide to interconnected VoIP service providers on a reasonable basis. The alternative of continuing to require every small interconnected VoIP service provider to take the time and effort to secure p-ANIs is unnecessary. It would only serve to hamper their operations as they will continue to obtain and test p-ANIs they may never use.

B. The FCC should modify § 52.15(g)(2)(i) of its rules to allow VPCs direct access to p-ANI codes for the purpose of providing 911 and E911 service.

While TCS acknowledges and respects the Commission's limited waiver,⁹ in granting the waiver the Commission has only side-stepped the problem and not advanced the solution. The Neustar RNA p-ANI authorization process, under certain narrow conditions, already allows TCS to access p-ANI¹⁰ even though it is not CLEC-certified in a state. Unfortunately, just as with the Commission's waiver in the NPRM, this is also an exception to the rules made with the permission of the relevant public safety / 911 authorities. Neustar's process is outside the normal scope of the p-ANI management scheme and, therefore is only useful in extreme situations.¹¹ What is needed is real permanent change, and TCS believes the record overwhelmingly demonstrates that the p-ANI process can be modified without a compromise to the integrity of numbering systems, or impact on public safety.

As demonstrated above, there is absolutely no reason why VPCs' should not have access to p-ANIs for the purpose of providing 911 and E911 service (and future NG911 services). First of all, it is clear based on TCS' experience that allowing VPCs access to p-ANI codes would enhance public safety by further ensuring that emergency calls are properly routed to the appropriate PSAPs. TCS has a trained national staff dedicated to this and a service infrastructure to support routing maintenance. Most interconnected VoIP service providers cannot duplicate this on their own.

⁹ "In this Order, we also grant TCS, a provider of VPC service, a narrow waiver to allow it to obtain p-ANI codes directly from the RNA for the purpose of providing 911 and E911 service, in states where TCS is unable to obtain certification because TCS has either been denied certification or can demonstrate that a state does not certify VPC providers." Notice at ¶ 90.

¹⁰ "25. Because the determination of what constitutes a 9-1-1 governing authority is a matter of state law, and varies from state to state, the requirement that each applicant must have approval from the 9-1-1 Governing Authority to be considered an Eligible User will be a matter of self-certification. However, the applicant will have to identify on their application from which 9-1-1 Governing Authority it has received such authorization." *NEUSTAR Permanent Routing Number Administrator Change Order Proposal #19*, page 17, item #25 (January 27, 2011).

¹¹ As an update to its Ex Parte filing of May 18, 2012, TCS was able to use this exception process to secure p-ANI from Neustar in South Carolina. TCS is grateful to Neustar for its support; however, even the exception process has limitations. Neustar relied for its exception on the permission of the centralized 911 authority in the jurisdiction. Many jurisdictions do not have such a centralized agency, or have no desire, or even authority, to provide such permissions. Neustar should not be forced to make such decisions when a simple change to the existing process is timely, achievable, and in the public interest.

Further, p-ANIs is “non-dialable” numbers. Consequently, there are unique technical characteristics of p-ANI codes that make them different from the numbers currently included in § 52.15(g)(2)(i) and as a result granting VPCs access would not affect the pool of “dialable” numbers.

VPC access would help encourage the continued growth of interconnected VoIP services by making it easier for small interconnected VoIP service providers to rely on VPCs. Requiring smaller interconnected VoIP service providers to go to the time, expense, and effort of obtaining p-ANI would definitely have a chilling effect. Further it is an inefficient way to provide access to p-ANIs. If every VoIP provider need to secure individual p-ANI, as TCS has previously noted, it could result in p-ANI exhaustion, and many small interconnected VoIP service providers retaining p-ANIs for which they have no need.

Finally, there are no other technical or policy reasons why VPCs should be denied direct access to p-ANI codes while interconnected VoIP providers have access under the Commission’s NET 911 Order.

C. As suggested in the TCS Petition, a “national authorization” should be provided to VPCs from either the FCC or a public safety organization.

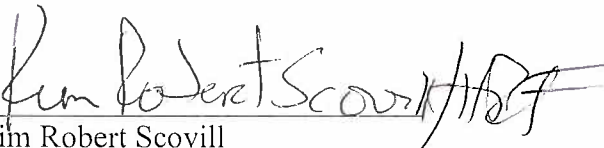
Obtaining state certification is too costly, burdensome, and time consuming. TCS must make approximately 490 monthly and annual state level reports, in addition to paying annual fees, in all of its jurisdictions in order to maintain certifications, many of which are not currently active. Further, since the certification process is much longer than the 911 customer acquisition process, TCS must acquire and maintain its CLEC certifications well in advance of their proposed use. These reports, often containing zero or no data, are an administrative burden on the states as well.

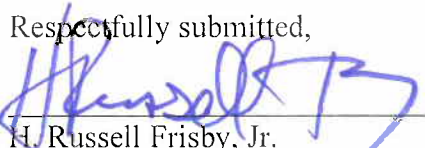
State certification is imprecise, as demonstrated by TCS's petitions in Iowa and New Hampshire, and decisions to grant p-ANI access only in Utah, Illinois, and Maine. Over time, with continued state deregulation, even those states where TCS has CLEC jurisdiction may be in jeopardy, and there is no guarantee that state authorities will conceive of a p-ANI only or other relevant certification.

In determining whether to grant a certification, the Commission should not consider other factors, such as whether VPCs are current on state and local emergency fees or universal service fund contributions in granting access to p-ANI codes. For the most part, the VPCs would not be subject to USF fees on account of the aggregator and resale exemptions. To the extent that they may be paying fees, this has come about in many instances because the VPCs were forced by FCC rules to obtain state CLEC certifications, which they do not use, in order obtain access to p-ANIs. Finally, there are no other obligations for VoIP provider access to numbers that should apply as well to VPC providers.

Conclusion

In summary, TCS urges the Commission to act in accordance with its Comments herein.


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